REMARKS

In the Office Action dated November 3, 2003, claims 1-4, 6-8, 10-16, 18, 20, 22, 24, 25, 27, 28, 30-33, 35-39, and 41-50 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,584,490 (Schuster) in view of U.S. Patent No. 6,313,864 (Tabata); claims 5, 21, and 26 were rejected under § 103 over Schuster in view of Tabata and U.S. Patent No. 5,907,604 (Hsu); and claims 9, 17, and 40 were rejected under § 103 over Schuster in view of Tabata and H1790 (Coleman).

Amended claim 1 is not taught or suggested by the asserted combination of Schuster and Tabata. Neither Schuster nor Tabata discloses or suggests receiving information associated with at least one physical attribute of a remote party *during a packet-based call session*, where the received information represents movement of the at least one physical attribute, and the *received information is different from video data* of the at least one physical attribute. Although Schuster discusses a videophone application for the communication network described in Schuster, there is no indication in Schuster of communicating *information representing movement* of a physical attribute of a remote party, where the communicated information is *different* from video data of the at least one physical attribute.

Tabata, on the other hand, is directed to communications over a conventional telephone line. *See* Tabata, 5:35-38. Thus, in Tabata, there is no teaching or suggestion of receiving information associated with at least one physical attribute of a party *during the packet-based call session*, and displaying an associated image (animated based on the received information) *during the packet-based call session*. Since neither Schuster nor Tabata teaches or suggests the missing elements, the hypothetical combination of the references does not teach or suggest the missing elements. Therefore, withdrawal of the obviousness rejection of claim 1 is respectfully requested.

There is also no motivation or suggestion to combine the teachings of Schuster and Tabata. Tabata proposes a solution for transmitting video images associated with videophones over telephone lines, which was recognized by Tabata as having limited bandwidth. *See* Tabata, 1:17-39. In contrast, in Schuster, such a bandwidth concern does

not exist. In fact, Schuster states that access networks 112 and 114 include high bandwidth networks adapted for data communications. Schuster, 8:10-11. Examples of networks listed by Schuster include Ethernet LAN, token ring LAN, coaxial cable link, DSL, twisted pair cable, fiber optic cable, ATM link, ISDN link, and wireless links. Schuster, 8:15-19. In other words, a person of ordinary skill in the art reading Schuster would find absolutely no need for the solution proposed by Tabata, which relates to low bandwidth telephone lines. Therefore, no motivation or suggestion exists for the combination of Tabata and Schuster.

Independent claim 10 is similarly allowable over the asserted combination of Schuster and Tabata. Claim 10 recites an interface to receive voice information and animation information in a *packet-based call session* from a party, where the animation information is representative of a facial expression of the party, and the animation information is *different* from video data of the facial expression. Schuster fails to disclose or suggest any of the following elements: an interface to receive animation information that is representative of a facial expression of the party, with the animation information different from video data of the facial expression; and a controller to animate at least a portion of the electronic representation of the image based on the animation information, and to display the animated image. Tabata fails to disclose or suggest any of the following elements of claim 10: an interface to receive voice information and animation information in a *packet-based* call session; and a controller to animate at least a portion of the electronic representation of the image based on the animation information *received in the packet-based call session,* and to display the animated image *during the packet-based call session.* Tabata is directed to communications over a conventional telephone line, and thus does not disclose or suggest the above-listed elements. Therefore, the hypothetical combination of Schuster and Tabata fails to disclose or suggest each and every element of claim 10.

Independent claims 18 and 30 are similarly allowable over the asserted combination of Schuster and Tabata.

As amended, independent claim 35 is also allowable over Schuster and Tabata, as the references do not teach or suggest transmitting animation information to a remote

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wireless telecommunications device in a packet-based call session over a wireless Internet Protocol network.

With respect to dependent claim 51, which depends from claim 1, the asserted combination of Schuster, Tabata, and Hsu does not teach or suggest the following combination of acts: receiving, at a receiving device, at least one of a phone number and name associated with a packet-based call session; determining whether the image associated with the remote party is stored locally in the receiving device based on the at least one of the phone number and name associated with the packet-based call session; accessing the image stored locally in the receiving device in response to determining that the image is stored locally; and accessing the image from another device over the Internet Protocol network in response to determining that the image is not stored locally.

With respect to dependent claim 52, which depends from claim 12, none of the cited references disclose or suggest a controller to perform the following: determine whether an image is stored locally in the apparatus; in response to determine that the image is stored locally, access the image locally; and in response to determining that the image is not stored locally, access the image over a packet-based network.

With respect to dependent claim 53, which depends from claim 18, the references do not teach or suggest the following combination of acts: receiving calling party information associated with a participant; retrieving the image based on the received calling party information; determining whether the image is stored locally in a device in which the processor is located; in response to determining that the image is stored locally, accessing the image in the device; and in response to determine that the image is not stored locally, accessing the image from another device over a packet-based network.

For the foregoing reasons, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0082US).

Respectfully submitted,

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